

JMM

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIAFILED  
2008 APR 24 PM 2:37  
KMT

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Victor FLORES-Savala,

Defendant

) Magistrate Docket No.  
**08 MJ 1273**  
 )  
 ) COMPLAINT FOR VIOLATION OF:  
 ) Title 8, U.S.C., Section 1326  
 ) Deported Alien Found in the  
 ) United States  
 )  
 )

The undersigned complainant, being duly sworn, states:

On or about **April 23, 2008** within the Southern District of California, defendant, **Jose Victor FLORES-Savala**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



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SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 24th DAY OF APRIL 2008.



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Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Jose Victor FLORES-Savala****PROBABLE CAUSE STATEMENT**

On April 23, 2008, Border Patrol Agent Alfredo Martinez was performing his assigned duties in the Campo, California area of responsibility. Agent Martinez responded to seismic intrusion device in an area known as "Brown's Corner." This area is approximately 18 miles east of the Tecate, California port of entry, less than one mile north of the United States/Mexico international border.

Agent Martinez arrived and followed the footprints north where he encountered twelve individuals attempting to concealed themselves in some brush. Agent Martinez immediately identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship and immigration status. All twelve including one later identified as the defendant **Jose Victor FLORES-Savala**, admitted to being citizens and nationals of Mexico without the proper documents to enter or remain in the United States legally. At approximately, 7:45 a.m., all twelve subjects, including the defendant, were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **April 10, 2008**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.